

**REGULAR MEETING OF THE
BRIGHAM CITY COUNCIL
AUGUST 21, 2008**

PRESENT:	Lou Ann Christensen	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Reese Jensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Ben Boyce	Leisure Services Director
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Blake Fønnesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Kristy Law	Recreation Supervisor
	Bruce Leonard	City Administrator
	Sara Lundberg	Museum-Gallery Director
	Mike Nelsen	Police Lieutenant
	Greg Nielsen	City Attorney
	Dennis Sheffield	Finance Director
	Paul Tittensor	Chief of Police

Mayor Christensen called the meeting to order. The Reverence Period was given by Mr. Sheffield. The Pledge of Allegiance was recited.

Approval of Minutes: Mayor Christensen noted that in the August 7 Council minutes, page 3, bottom sentence, it states, "most of the underground infrastructure in Brigham City is complete and most of the engineering on the aerial infrastructure is complete." It should say, "Brigham City is about 36% complete." A motion to approve the minutes of July 30 and August 7 Council meeting, July 31 and August 7 Executive Sessions was made by Councilmember Reese Jensen, seconded by Councilmember Ruth Jensen and unanimously carried.

Mayor Christensen presented the agenda as follows:

PRESENTATIONS

Everyday Hero Awards

PUBLIC COMMENT

CONSENT

Appointment to Museum-Gallery

Appointment to Historical Preservation

Appointment to Neighborhood Pride

Request for Approval of Revised Interlocal Agreement Between Brigham City and Box Elder County
RDA for Bonds for the Wakegan Project (*tabled*)

Cancellation of September 4 Council Meeting to celebrate Peach Days

Request to Use \$10,000 of Dale Young Donation to Purchase Books

SCHEDULED DELEGATION

Update on Rebuilt of Overpass on SR-90 (200 South)

Update on 2006 Olympian Legacy Grant (*tabled*)

Peach Days Update and Request to Close West Forest

Concerns with Truck Stop at Medical Drive and Georgia Drive

Phase 1 of Proposed Sports Complex

NEW BUSINESS

Request for Approval of Ordinance Amending Title 11 to Incorporate Brigham City Policy and Procedures

Request for Approval of Resolution for Eminent Domain of an Easement for the Wakegan Project

Request for Approval of Ordinance to regulate Culinary Water and Sanitary Sewer Connections to

the Wakegan Utility Pipelines
Discussion on Options of City Business Hours

UNFINISHED BUSINESS

Proposed Increase in Mayor's Salary
Request for Approval of Ordinance Authorizing Closure of 300 North Between 800 West and 900 West

PLANNING COMMISSION BUSINESS

Request for Approval of Sidewalk Deferral at 325/329 South 200 West

MAKING LIFE BETTER - DEPARTMENT REPORTS

OTHER BUSINESS

NuTech Update (*added*)

CLAIMS

Payment Register

Councilmember Christensen made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

PRESENTATIONS

Everyday Hero Awards

Mr. Stan Williams was awarded the Individual Everyday Hero Award for serving on the Neighborhood Pride Council (NPC) since 2005. Part of that time he has been serving as Chair. Since he has been on the Board the NPC has revised two City ordinances - the parking ordinance as it relates to recreational vehicles and the abandoned and unregistered vehicle ordinance. The NPC also painted 4,844 addresses on curbs to assist emergency vehicles find homes. Mr. Williams has also participated in the City-wide cleanup every year. Another project the NPC accomplished was to paint the restroom at Constitution Park.

The Team Everyday Hero Award was presented to Rebecca Dilg and Linda Baugh, Youth City Council (YCC) Advisors. Ms. Baugh has been an advisor to the YCC since 2001 and Ms. Dilg since 2002. The YCC meets twice monthly on Monday afternoons. Ms. Dilg and Ms. Baugh always show up early to prepare and the meetings are very professional. They direct and support the youth in their meetings and activities. They prepare the YCC annual budget by meeting with Mayor Christensen and staff. Last year they competed with the large YCCs in the Association of Youth Councils and received second place for all their accomplishments throughout the year. These advisors have had a positive influence impact on the participating youth and help them to be better citizens now and in the future. Through their leadership the youth have learned the meaning of service.

PUBLIC COMMENT

Sarah Reynolds came forward and wanted to bring to the Council's attention a wonderful program her family participated in offered by the Family Support Center. They attended the Strengthening Families Program with their adolescent son. Their son learned more about peer pressure than he could have ever taught them. He was very impressed with the youth training he received. She expressed appreciation that Brigham City offers prevention programs.

There were no further comments from the public.

CONSENT

Appointment to Museum-Gallery

It was recommended DeAnn Lester, Steve Hansen, Joann Pernod and Jean Hawrylo serve on the Museum-Gallery Board.

Appointment to Historical Preservation

It was also recommended that Brad Mortensen and Richard Felt serve as members of the Historical Preservation Commission.

Appointment to Neighborhood Pride

Tammy Reynolds was recommended to serve as a member of the Neighborhood Pride Council.

Cancellation of September 4 Council Meeting to Celebrate Peach Days

Request to Use \$10,000 of Dale Young Donation to Purchase Books

It requested authorization be given to use \$10,000 of the Dale Young Donation to purchase books for the library.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Ruth Jensen, seconded and carried.

SCHEDULED DELEGATION

Update on Rebuilt of Overpass on SR-90 (200 South)

Dave Asay from the Utah Department of Transportation came forward and reported that UDOT has scheduled a bridge rehabilitation project. This project will close the flyover that goes up SR-89 and 91 beginning September 2 and will be closed for approximately 45 calendar days. This project will prolong the bridge structure for about 20 years. There are some message boards placed on Main Street notifying public that the road will be closed and that the preferred route will be 1100 South. The Council expressed concern with Peach Days and asked Mr. Asay if the project could be delayed until after this event. Mr. Asay did not think it could be delay, but said he would pass this concern along to the contractor.

Peach Days Update and Request to Close West Forest

Ms. Monica Holdaway approached the Council and said everything is going very well for Peach Days. Peter Breinholt will be the main entertainer. There will also be a hypnotist on Saturday night. She thanked the Council for their support. She also thanked Jim Buchanan, Ben Boyce, Chief Tittensor, Mike Nelsen and the entire Police Department who play a vital role in Peach Days; Judy Loveland who does over 200 business licenses each year; Blake Fonnesbeck and Tyler Pugsley for organizing all the Public Works employees; Robert Neville and the entire Street Department; and the Parks Department. There are over 400 volunteers that make Peach Days happen.

This year the car show cannot be at the high school soccer fields due to the renovation of the high school. They would still like to use Watkins Park because everyone knows that it has historically been held there. They would like to use part of Pioneer Park for this purpose. In order to do this, they would like to close 600-800 West Forest to accommodate this. This will allow patrons to walk back and forth without worrying about the traffic. All affected businesses have been approached and they are willing to work around it. Traffic will be diverted to 800 West to 200 South and back up to Main.

Concerns with Truck Stop at Medical Drive and Georgia Drive

Ms. June Dominguez came forward and expressed with the truck stop located at Flying J gas station on the corner of Medical Drive and Georgia Drive. Georgia Drive is a narrow two lane, two block road with parking on both sides of the street. The residents of Georgia Drive are concerned about two things, health and traffic accidents.

The Golden Spike RV Park is on the south side of Georgia Drive and has space for 30 motor homes, some towing a car. There is one entrance and one exit driveway. They require enough space on the road to maneuver, turn, enter, park and exist and do so daily.

Across the street on the north side is the unfinished Silver Pointe townhouse. At this time there are 16 cars exiting on Georgia Drive with more to come. Also on the north side is the high-density Canyon Cove 2-3 bedroom apartment complex. The approximately 250-tenant population includes babies, children, seniors and handicap persons. Approximately 130 cars will be using Georgia Drive when this complex is completed. Across the street from this complex on the north side is a small shopping center. Cars are entering and exiting on a daily basis. There is also the traffic on 800 West. The Greener Pastures retirement home consists of 30

residents. A City bus running on a 35-minute interval and two school buses use this street to enter and exit from Georgia Drive.

There are two driveways on Georgia Drive for the Flying J gas station. They need the entire street to make their turns. If not, they maneuver back and forth, back and forth. Ms. Dominguez said she has witnessed near misses between cars and trucks.

In addition to the safety hazard, she also expressed concern with the health issues with these trucks running their motors most of the time. They run them to park and maneuver within the lot, they run them for approximately 15 minutes to warm them up and to supply electricity to their refrigerated trailers, heaters, microwaves, etc. They are parked right across the street from a children's playground and ball court at Canyon Cove. Everyone living in close proximity to these trucks is affected. Diesel fuel is one of the toxins known to cause a wide range of medical problems. She did not think the tenants at Canyon Cove were told of this danger. She felt it is the responsibility of the landlord, manager or real estate agent to inform potential tenants or buyers of any problems pertaining to the sale or lease of a place they are considering. She was not told of these toxins and neither were any of her neighbors. It was when she began to walk around that she realized the situation.

Ms. Dominguez stated that this truck stop is a dangerous public nuisance. There is always a perpetual haze and smell around these truck stops. She felt that the City and others are risking the possibility of a class action lawsuit or individual lawsuits. Because the City has allowed this truck stop to continue and grow and gave these developers permits to build, knowing the truck stop was there. Eventually there could be a fatal accident and/or people getting sick from these emissions. She asked if this truck stop has a City permit to operate as many as 18 trucks in this small space and if they do, is it renewed annually?

She said she called City Hall earlier this year and she was told "the trucks were there first." She said this statement was incredible and she was literally speechless. These trucks are very large. The drivers are tired because they have been driving for hours. They have to make the turn onto Georgia Way without hitting anything and then make the difficult turn into one of the driveways. This takes concentration and sometimes they are not very alert. Kids are equally careless, most times not paying any attention to what is going on around them. Ms. Dominguez stated that she is a cautious person, but twice the trucks came up behind her while she was in the driveway and crossed in front of her. She was able to jump back in time, but next time she may not be so lucky.

Ms. Dominguez said that trucks are vital to transport goods and services to any City, however, she did not believe they should be in the middle of a populated area. Most cities recognize this and have placed restrictions on where and how they are parked. This truck stop started with one or two trucks and then grew to hold up to 18. Things change over the years. There are new sciences now that say whether it is safe to build or not. She asked if there were any traffic studies or environmental studies made before issuing permits for Silver Pointe or Canyon Cove? If this truck stop has priority over people and home development, the City should never have issued those building permits. It is everyone's problem and the City needs to fix it.

She asked the Council to do the decent thing for the people of this City, rather than for the monetary interests of a truck stop, which contributes very little to the City. The drivers sleep in their trucks, buy their food from Flying J and do not pay for any City services. They are not an asset to the City. She said she is not suggesting closing the gas station, it provides a service; however, the truck stop should be relocated.

Ms. Joanne Duke, a medical professional and Ms. Dominguez' sister, came forward and stated that the National Library of Medicine has stated that diesel fuel is a carcinogen, especially to lung tissue. It also causes respiratory symptoms such as a persistent cough, bronchitis and reduced lung capacity. Long term exposure to diesel exhaust can cause chronic respiratory symptoms. Diesel fuel vapors can cause kidney damage and lower the blood's ability to clot.

A research article indicates that diesel fumes affect the cardiac system and possibly affects fetal development.

Mr. Larry Larsen, President of the Silver Pointe Homeowner's Association, came forward and said his biggest concern is that trucks are allowed to park on both sides of Georgia Drive. Many times there are trucks parked

by the RV Park and there are trucks parked by the Old Grist Mill. There have been many times when he has had to pull off the side of the road on Georgia Drive because there was not enough room for the truck. There have been a lot of near misses.

Mr. Mark Bradley, City Planner, came forward and explained that this site was originally a Walker's gas station. When it became a Flying J in 1993 the truck stop was approved by the City. It is a permitted use as long as they maintain the activity that was permitted. The use permit did not have a mandate on the number of trucks that can park there. The site plan has certain spaces identified, which would detail how many trucks can be there at one time. When Silver Pointe went before the Planning Commission in 1998, the Planning Commission raised the question regarding the impact of the existing use of the truck stop. They were concerned that the residents might complain about the noise generated from the semis at the truck stop. They felt it should be covered in the subdivision bylaws. Anvil Construction, the developer, told the Planning Commission that they recognize semis as a detriment and were designing the development accordingly.

Mr. Bradley explained that as growth occurs, there is naturally commercial sites that allow these types of uses. Whether this is the best location for this type of use today is hard to say. Naturally, there are some concerns by the residents; however, this was a permitted use. Transitions from commercial to residential usually comes from a commercial to higher density to a single family, and this is what has happened in this area.

Mayor Christensen asked if something could be done about parking on both sides of Georgia Drive.

MOTION: Councilmember Marabella made a motion to take into consideration the concerns of Ms. Dominguez and assigned Mr. Bradley to evaluate Georgia Drive and look at the current parking and come back to the Council with some recommendations. The motion was seconded by Councilmember Reese Jensen. Voting unanimously carried with the following vote:

Councilmember Christensen - aye
Councilmember Ericson - aye
Councilmember Reese Jensen - aye
Councilmember Ruth Jensen - aye
Councilmember Marabella - aye

Phase I of Proposed Sports Complex

Mr. Ron Papworth and Mr. Dan Coburn from the Recreation Commission came forward. Mr. Papworth explained that the overall cost of the Sports Complex is \$31 million. This includes the offices and basketball facility. They understand the current economic conditions, therefore they propose the complex be built in three phases. Phase I would cost approximately \$9.5 million. This would build the two quads, which would include eight ball diamonds, score towers, concession and lighting and other associated amenities. They also recommended the Power Department install the lighting systems which would cut costs. There are other infrastructure facilities that would reduce the cost. As part of this phase, the Recreation Commission feels that it is essential that the 17 acres of surplus property east of the railroad tracks be sold and the funds be used for construction of Phase I. The balance of the funds would need to be bonded. The Commission suggested this be in November 2009. Phase I would meet the needs of Brigham City for the next five years.

Mr. Coburn said the City does not currently have enough ball diamonds for all the teams. In addition, the youth need a place to practice. When Brigham City holds a tournament, teams are turned away.

The American Softball Association reports that there are 30 members for one girls fast pitch softball team when they travel and 18 for mens teams. When these teams travel they spend approximately \$250/day per adult and \$50 per child. Tax revenue from one team is \$318 per day. If the new ball diamonds are built it would be approximately \$19,000 in sales tax revenue for a 2-day tournament. In addition, entrepreneurs will see the potential for restaurants and hotels and this revenue will go up.

NEW BUSINESS

Request for Approval of Ordinance Amending Title 11 to Incorporate Brigham City Policy and Procedures

Mr. Buchanan explained that this ordinance changes Title 11 to bring it into compliance with the recent changes to the City's policies and procedures. It changes any reference to "members" to "employees" and changes the office of the Chief to a 2-year position.

MOTION: Councilmember Christensen made a motion to approve the ordinance amending Title 11 to incorporate Brigham City policies and procedures, seconded by Councilmember Reese Jensen. The motion carried unanimously with the following vote:

Councilmember Christensen - aye
Councilmember Ericson - aye
Councilmember Reese Jensen - aye
Councilmember Ruth Jensen - aye
Councilmember Marabella - aye

Request for Approval of Resolution for Eminent Domain of an Easement for the Wakegan Project

Mr. Fonnesebeck and Mr. Greg Nielsen approached the Council. Mr. Fonnesebeck explained that they tried to resolve this issue with the Riverbed Land and Cattle Company through the State Ombudsman. The City made every effort to work things out, but the property owner was not willing. The Ombudsman told Mr. Fonnesebeck that she recommended the City to do eminent domain because the property owner was not willing to negotiate.

Mr. Fonnesebeck explained that this route is less expensive and also will affect the least amount of property owners. This route only affects seven property owners. The City negotiated successfully with all the other property owners except this one. All property owners were offered almost three times the value of their property.

Mr. Fonnesebeck added that the pipeline will be buried 6' on the farm ground property. This will allow the property owners to continue to farm their ground. The only restriction will be that they will not be allowed to build a permanent structure on the easement.

MOTION: Councilmember Reese Jensen made a motion to approve the resolution for eminent domain of an easement for the Wakegan Project, seconded by Councilmember Christensen. Councilmember Christensen added that the Council does this very reticently. Mr. Fonnesebeck has done everything possible to try and work this out with the property owner. However, the City cannot pay the price he is asking for, nor can the entire project be held up for one property owner. The voting was unanimous with the following vote:

Councilmember Christensen - aye
Councilmember Ericson - aye
Councilmember Reese Jensen - aye
Councilmember Ruth Jensen - aye
Councilmember Marabella - aye

Request for Approval of Ordinance to Regulate Culinary Water and Sanitary Sewer Connections to the Wakegan Utility Pipelines

Mr. Fonnesebeck explained that this ordinance provides a way for the Council to determine who can hook onto the Wakegan pipeline. The ordinance states that anyone who wants to hook onto the line would have to be annexed into Brigham City in order to use that benefit. The ordinance allows for neighboring communities to hook onto the line for an emergency connection.

MOTION: Councilmember Reese Jensen made a motion to approve the ordinance to regulate the culinary water and sanitary sewer connections to the Wakegan utility pipelines with the recommendation that Mr. Fonnesebeck rework the ordinance to include sewer

connections as well as culinary connections. The motion was seconded by Councilmember Ruth Jensen.

Councilmember Christensen - aye
Councilmember Ericson - aye
Councilmember Reese Jensen - aye
Councilmember Ruth Jensen - aye
Councilmember Marabella - aye

Discussion on Options of City Business Hours

Officer Ron Aldridge from the Employee Coordination Committee (ECC) stated that the ECC has been working on the option of working 4-10s for quite a while. He stated that the employees want to serve the citizens of Brigham City. This option would provide extended citizen hours. City services would be available an hour earlier in the morning and an hour later in the evening. They will no longer need to take time off work to take care of City business. In addition, City projects could be completed more timely and efficiently with decreased labor costs. The City will be able to provide 11 hours of service to the citizens.

There will be some issues that will need to be addressed. For example, City Hall and City facilities may not be open on Fridays. One of the solutions West Valley City implemented when they did this in 2000, some employees came in on Fridays and gave out juice and doughnuts to ease the transition.

Employee benefits would include more time for themselves which increases morale, which subsequently raises the productivity level of employees. It also reduces absenteeism because they don't have to take off as much time. Studies show 4-10s sharpens employees' focus and decreases work/family conflicts. It decreases labor costs due to a less turnover rate. It will be a draw for prospective employees and make the City more competitive without costing more money. Time away from work is almost the same as time at work which results in more loyal, happier employees. Operational costs decreased due to reduced energy costs. Maintenance costs and cleaning costs would also be reduced. Child care costs were reduced in some cases. Employee would be able to spend more time on stress relieving things such as hobbies and would come back to work more refreshed and ready to work.

Some issues that would need to be addressed is if an employee commutes to work longer days can be frustrating at first; however, the vast majority of City employees do not commute. Daycare can be a problem because some feel that 10-12 hours a day in daycare is too much. Another issue could be that students would be home longer before their parents. Another concern is that some employees may have medical reasons that would not allow them to work a 10-hour shift.

The Committee researched that the City would save approximately \$10,633 a year by going to 4-10s.

Another option the Committee came up with was to work a rotating 4-10 work schedule. Office hours would be Monday-Friday from 7:00 am to 6:00 pm with some employees getting Mondays off and some getting Fridays off. The employees would still receive the benefits of the 4-10 workweek and citizens would get ten extra hours of service.

The third option is a 4-5-9 compressed workweek. Employees would work from 7:30 to 5:30 Monday through Friday and have every other Friday off. This provides an additional five hours of service per week; however, it could create some logistical issues.

Councilmember Christensen asked if the Committee did a survey of the employees. Officer Aldridge said they did an informal survey through the ECC Representatives. Approximately 80% of the employees are in favor of a 4-10 schedule. The other options were not being considered yet and were not part of this informal survey.

Councilmember Christensen said he has talked to some state employees and the long days really wear them out. They also did not like leaving before their children leave for school and coming home after the evening meal, so they feel disconnected from their family. He did not feel the family would benefit from this schedule.

Councilmember Marabella said he has worked this schedule and some of the benefits discussed he did not see. The three days off work could be a disadvantage to the employees because they spend more money,

so they went and got extra jobs and absenteeism increased. He stated that the City is here to provide services and there will be 300 Wal-Mart employees that will want services on Friday because they work Monday through Thursday. He added that he has had two different departments contact him that do not want it. They feel it is too many hours to be working and in the winter it will be very cold to be working outside. The second option of a 4-5-9 schedule would actually cost more because the buildings would use more energy. Officer Aldridge stated that although the 4-5-9 schedule would use more energy, it would provide an extra ten hours of service to the citizens. He agreed that some employees may not like it, but the majority of the employees say they would like to try it.

MOTION: Councilmember Ericson made a motion to table this issue until September 18 to give the employees an opportunity to contact the Council regarding their feeling and ask Mr. Bosworth to provide a summary of the information. The motion was seconded by Councilmember Marabella.

Councilmember Christensen - aye

Councilmember Ericson - aye

Councilmember Reese Jensen - aye

Councilmember Ruth Jensen - aye

Councilmember Marabella - aye

The motion unanimously carried.

UNFINISHED BUSINESS

Proposed Increase in Mayor's Salary

Mayor Pro Tem Jensen said the survey Mr. Bosworth did of the other cities indicated that part-time mayors of similar size to Brigham City receive anywhere from \$6,000 to \$22,000.

Councilmember Marabella asked the Mayor how many hours a week she works. Mayor Christensen said there is justification for a full-time Mayor. She said she works 40-50 hours a week, sometimes more.

Councilmember Reese Jensen said Mayor Christensen has the time to spend that much at the job; however, another Mayor that has a full time job would not be able to put in that much time, and they could not give up their full time job for \$10,000 a year. Mayor Christensen said she did not run for Mayor for the money.

Councilmember Marabella said there is \$10,000 in the budget for the Mayor's increase. He suggested increasing her salary \$5,000 this year and another \$5,000 in the following budget.

MOTION: Councilmember Marabella made a motion to increase the Mayor's salary \$5,000 retroactive to July 1, 2008 and increase it \$5,000 effective July 1, 2009. Councilmember Ericson seconded the motion. Councilmember Reese Jensen said he agreed with increasing it \$5,000 this year but felt it should be discussed in the 2009-2010 budget process.

AMENDED MOTION: Councilmember Marabella amended his motion to increase the mayor's salary by \$5,000 this year, and discuss it next year during the budget process. Councilmember Ericson seconded the amended motion. Councilmember Ruth Jensen said she would rather increase it to the average salary of the surveyed cities.

Councilmember Christensen - aye

Councilmember Ericson - aye

Councilmember Reese Jensen - aye

Councilmember Ruth Jensen - nay

Councilmember Marabella - aye

The motion carried with a 4-1 vote in favor.

A public hearing will be held on September 18, 2008.

Request for Approval of Ordinance Authorizing Closure of 300 North Between 800 West and 900 West

Mr. Jared Johnson said this completes the ongoing project the City has been working on to close 300 North between 800 West and 900 West. He added that staff received notification from the Public Service Commission that the appeal was dismissed. However, with this dismissal it gives other agencies a 30-day time period to review the dismissal and request a hearing.

Councilmember Marabella said part of the City's desire to close this was to minimize the railroad switching on West Forest. He asked if the railroad has ever committed that this will decrease. Mayor Christensen explained that there were two options. One is the safety on the 300 North crossing and the other is the opening of West Forest. The railroad said they would do their switching further north which would decrease the times West Forest would be closed. Also, with the more crossing arms it should not be closed when the train is just stopped.

MOTION: Councilmember Ericson made a motion to approve the ordinance authorizing closure of 300 North between 800 West and 900 West with the filing stipulation with the Public Service Commission. The motion was seconded by Councilmember Christensen.

Councilmember Christensen - aye

Councilmember Ericson - aye

Councilmember Reese Jensen - aye

Councilmember Ruth Jensen - aye

Councilmember Marabella - aye

Motion unanimously carried.

PLANNING COMMISSION BUSINESS

Request for Approval of Sidewalk Deferral at 325/329 South 200 West

Mr. Mark Bradley explained that when the sidewalk agreement took place on this property, it required that the sidewalk be installed when the new home was built and the existing home would not be required to install sidewalk until additional improvements were made to the home. This agreement was put in place prior to the City adopting the sidewalk ranking system. The ranking system on this property is a five.

Mayor Christensen read a letter from Kirk Morgan, City Attorney, regarding this issue. He wrote, *"allowing a developer to appeal a previous decision over four years after it had been made by both Planning Commission and City Council, in my opinion, would undermine the process and make such things as escrows and sidewalk agreements less useful if it is known the developer can always appeal the written contracts at a later date."* Mayor Christensen added that if this is approved it would set a precedent.

Councilmember Ruth Jensen said she would be more willing to defer it if there was not sidewalk in the area and if they hadn't signed a contract stating that they would install sidewalk once they improved their property. Councilmember Christensen said the dilemma is that if the deferral was a new request the Council would probably defer it, however, there was an agreement.

MOTION: Councilmember Christensen made a motion to deny the request for a sidewalk deferral at 325/329 South 200 West. Councilmember Ruth Jensen seconded the motion.

Councilmember Christensen - aye

Councilmember Ericson - nay

Councilmember Reese Jensen - aye

Councilmember Ruth Jensen - aye

Councilmember Marabella - aye

Motion passed with a 4-1 vote.

MAKING LIFE BETTER - DEPARTMENT REPORTS

Chief Tittensor introduced the City's new K-9 Dog, Sebastian. The dog was a gift from a Brigham City resident, Wayne Jones. Officer Jared Glover is his handler. Officer Glover stated that Sebastian is a German Shepherd and is 2 ½ years old. He has a great pedigree; his grandfather has been a K-9 Search and Rescue in Europe.

Chief Tittensor added that Officer Glover has put in over six months of his own time training Sebastian. The dog will be put through several more classes before he is ready to be an active K-9.

Mr. Alan Wright gave an update on the Power Department projects. They have installed new metering to all the substations, including the Autoliv Substation. This allows Mr. Wright to read the meters from City Hall. They completed the Utah State University Credit Union, completed the infrastructure at Discovery Canyon Subdivision and the Capener Dental Offices. They have had two crews of tree trimmers in town to try and get the trees trimmed back from the electrical lines. They also upgraded the infrastructure to Sherm Bailey's woodworking shop on 600 North. They installed five lights at the Pioneer Park parking lot to make it safer. Just after school was out they fixed the underground power vault at Bunderson School. They installed new lights along the new airport road. Some upcoming projects include installing a 138 kV breaker, Kotter Canyon, Chad Thompson Subdivision, Maple Springs Subdivision, McDonald's is going to demolish their current building and build a new one. The renovation of Box Elder High School will be a big job because they will need to keep power to the existing buildings and install power to the new buildings. Other projects include ABC Construction and upgrades to the hospital. Mr. Wright added that the City is still furnishing power to Mantua while their substation is repaired.

Mr. Rick Bosworth said the installation of the elevator at the Senior Center has finally started. It is hoped it will be completed by Peach Days. This was funded through a Community Development Block Grant and from the Senior Center Trust account.

OTHER BUSINESS

NUTECH Update

Mr. Paul Larsen said this event will be held on October 10 and is intended to help businesses better understand kind of technology is available and what it can do for them. Utah State University, Bridgerland Applied Technology, Box Elder County, Box Elder School District, Tremonton City, Bear River Chamber of Commerce and the City are working together on this event. It will be held at the Education Center. They currently have confirmations from Sysco, Iomega, Qwest, Comcast and UTOPIA for sponsorships and providing educational content.

CLAIMS

Payment Register

Councilmember Marabella moved to approve General Claims dated July 31, 2008 in the amount of \$458,780.07; for July 31, \$147,376.25; August 4, \$11,726.86, August 6, \$593,127.03; August 12, \$4,643.75; August 16, \$147,929.05. The motion was seconded and carried.

A motion to adjourn was made by Councilmember Marabella. The motion was seconded and carried unanimously. The meeting adjourned at 10:05 p.m. The Council reconvened to a work session.